

### **REMARKS**

This Reply is believed to be fully responsive to the Office Action mailed on March 6, 2008.

Entry of the foregoing amendments, and reexamination of the subject application pursuant to and consistent with 37 CFR 1.112, and in light of the remarks which follow are respectfully requested. The present amendments are made to expedite prosecution without prejudice to the deleted subject matter being pursued in a continuing or a related application.

It is anticipated that the present claims should be free of the previous rejections and objections. The previous objections and rejections are addressed below.

Claims 287 and 296-338 were rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the enablement requirement. This rejection is respectfully traversed to the extent it may be applicable to the claims as amended.

The claims were rejected in part based on the Examiner's assertion that the recitation of T1R3 sequences that hybridize under stringent hybridization conditions in clause (c) of claim 287 is non-enabled as it would read on sequences encoding polypeptides lacking substantial sequence identity to the human T1R3 polypeptide of SEQ ID NO:4. The Examiner suggested limited this embodiment to human T1R3 sequences that hybridize to the complement of the T1R3 coding region of the nucleic acid sequence of SEQ ID NO:2, 3 or 20. In order to expedite prosecution the suggestion of the Examiner has been adopted. Withdrawal of this basis of the enablement rejection is respectfully requested.

The claims were further rejected based on 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the enablement requirement because of the assertion that clauses (a) and (b) in claim 287, which defined TIR3 sequences encompassed for use in the claimed functional assays were unduly broad on the basis that the specification only enables TIR3 polypeptides comprising at least 90% of the TIR3 polypeptide of SEQ ID NO:4. It is anticipated that this basis of the rejection should be moot as the claims now require that the TIR3 polypeptide possess at least 90% sequence identity to the polypeptide of SEQ ID NO:4. Withdrawal of this basis of the rejection is also respectfully requested.

Claim 302 was further rejected based on 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the enablement requirement because of the recitation of functional assays using prokaryotic cells which allegedly is non-enabled. This basis of the rejection should be moot as claim 302 has been cancelled in order to expedite prosecution. Withdrawal of this rejection is therefore respectfully requested.

Claims 288-295 and 297 were further rejected based on 35 U.S.C. §112, second paragraph, for allegedly failing to comply with the definiteness requirement. Particularly, the Examiner suggested that the recitation “in” in referring to nucleic acid or amino acid sequences was unclear and that the word “in” should be changed to “of” in order to obviate the rejection. Also, the Examiner indicated that the word “polypeptide” lacked proper antecedent basis and that this should be changed to “amino acid sequence”. The suggestions of the Examiner have been adopted herein. Withdrawal of the 35 U.S.C. §112, second paragraph rejection of Claims 288-295 and 297 is respectfully requested.

Claims 287-299 and 301 303, 304, 308-312, 315-316, 318, 320, 321, 325, 326, 328 and 332-338 were further rejected based on 35 U.S.C. §101, as encompassing non-statutory subject matter as the claims allegedly encompassed the mere act of tasting by a human being. This rejection should be moot as claim 287 has been amended to recite an in vitro assay. In addition, it should be noted that this in vitro assay may in addition further include a confirmatory in vivo tasting screening assay as recited in claim 336 and those dependent thereon which is effected in addition to the in vitro assay as a means of confirming the effect of the identified compound on taste which should not raise 35 U.S.C. §101 issues since these claims do not encompass a natural process only but instead require a manipulative in vitro assay that does not occur in nature. Based on the foregoing withdrawal of the 35 U.S.C. §101, rejection of claims 287-299 and 301 303, 304, 308-312, 315-316, 318, 320, 321, 325, 326, 328 and 332-338 for allegedly reading on non-statutory subject matter is respectfully requested...

### **CONCLUSION**

It is anticipated that the present amendments will place the case in condition for allowance.

Based on the foregoing, a Notice to that effect is respectfully solicited. Reconsideration and allowance of all claims are respectfully requested. If any issues remain after consideration of this Amendment, Examiner Brannock is respectfully requested to contact the undersigned by telephone (703-714-7645) so that these issues can be resolved by Examiner's Amendment or a Supplemental Response.

Applicants believe that no additional fees are due with the filing of this Response.

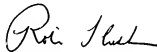
However, in the event that the calculations of the Office differ, Commissioner is hereby authorized to charge or credit any such variance or credit any overpayment to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Date: **July 7, 2008**

By: \_\_\_\_\_



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